

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

HERBERT FOWLER

PLAINTIFF

v.

NO. 4:05cv00738 JMM

MICHAEL J. ASTRUE,  
Commissioner, Social  
Security Administration

DEFENDANT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Jerry Cavaneau. There have been no objections. The Findings and Recommendations are adopted in their entirety as this Court's findings.

THEREFORE,

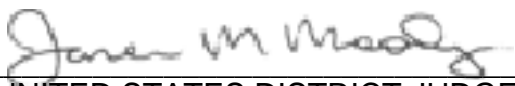
(1) Plaintiff's motion for attorney's fees pursuant to the Social Security Act, 42 U.S.C. § 406(b) (doc. 29) is granted;

(2) Plaintiff's attorney is entitled to an attorney's fee in the amount of \$4,477.00 pursuant to § 406(b);

(3) The Commissioner is ordered to pay to Alan J. Nussbaum, attorney for Plaintiff, the amount due under § 406(b), in addition to any fees found to be due for representation at the administrative level but not yet paid, or pay the attorney twenty-five percent of Plaintiff's past-due benefits, whichever sum is less; and

(4) Plaintiff's attorney is directed to refund to Plaintiff the earlier EAJA award of attorney's fees in the amount of \$2,762.50.

IT IS SO ORDERED this 28th day of April, 2008.

  
UNITED STATES DISTRICT JUDGE